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Attorney Docket No. E30.2N-8146-US09*

Remarks

This Amendment is in response to the Office Action dated January 13, 2006.

In the Office Action, the Examiner asserted that the Information Disclosure Statements filed on November 8, 2004, and October 27, 2003, failed to comply with 37 C.F.R. §1.98(a) (3) because they did not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Applicant on May 5, 2006, filed the English Abstracts for all items not in the English language as identified in the Information Disclosure Statements of November 8, 2004, and October 27, 2003, a copy of the English Language Abstracts as filed on May 5, 2006, are attached hereto for the Examiner's review.

In the Office Action of January 13, 2006, the Examiner provisionally rejected claims 33, 40, and 59, pursuant to the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending application Serial No. 10/397,693. Applicant has enclosed herein a Terminal Disclaimer related to co-pending application Serial No. 10/397,693. Applicant believes that the enclosed Terminal Disclaimer is in full compliance with 37 C.F.R. §1.321(b), 37 C.F.R. §1.130(b), and 37 C.F.R. §3.73(b). Applicant respectfully requests that the Examiner withdraw the provisionally rejected claims 33, 40, and 59, under the judicially created doctrine of obviousness-type double patenting.

The Examiner rejected claims 33-39 and 59-61 pursuant to 35 U.S.C. §103(a) asserting that the claims were unpatentable over Suckow U.S. Patent No. 6,183,100 in view of Jozwik U.S. Patent No. 5,644,291.

The Examiner next rejected claims 33, 37-39 and 40-59 pursuant to 35 U.S.C. §103(a) asserting that the claims were unpatentable over Kouchi U.S. Patent 4,868,719 in view of Józwik '291.

The Applicant respectfully traverses the rejections by the Examiner, and for the reasons identified herein, Applicant respectfully submits that the claims herein are in condition for allowance. Claims 33-58 and 59-61 remain in the application.

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Initially, with respect to 35 U.S.C. §103, the Federal Circuit has stated that the references cited by the Examiner must be considered as a whole and suggest the desirability and thus the obviousness of making the combination (see, e.g., *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481 488 (Fed. Cir. 1984)); the references must be viewed without the benefit of hindsight vision afforded by the claimed invention (e.g., *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)); Furthermore, when an attempt is made to combine two references A and B, or to change a single reference, a prima facie case of obviousness has not been established if: A and B could not or would not be physically combined in an operative fashion to produce the desired result by a person of ordinary skill without use of the patentee's teachings; *In re Lintner*, 458 F.2d 1013, 173 USPQ 560, 562 (CCPA 1972); *In re Regel*, 526 F.2d 1399, 199 USPQ 136 (CCPA 1975); *In re Jansson*, 609 F.2d 996, 203 USPQ 976 (CCPA 1979); no suggestion why or reasons or motivation for combining A and B appears explicitly or implicitly in either A or B, or both in combination. *In re Clinton*, 527 F.2d 1226, 188 USPQ 265 (CCPA 1976); Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent a teaching or suggestion supporting the combination; *In re Fine*, 5 USPQ 2d, 1596 (1988) (Fed. Cir. 1989); see also *In re Laskowski*, 10 USPQ 2d 1397 (Fed. Cir. 1989); and A and B do not teach the source of the problem and the recognition of the source of the problem is what is unobvious. *Eibel Process Co. v. Minnesota and Ontario Paper Co.*, 261 US 45 (1923); *In re Sponnoble*, 405 F.2d 578, 160 USPQ 237 (CCPA 1969); *In re Peehs*, 612 F.2d 1287, 204 USPQ 835 (CCPA 1980). See *Kayton*, 1 Patent Practice 5-28, 29 (1985).

Further, in the case of *In re Dembiczak*, 50 U.S.P.Q.2d 1614 (CAFC 1999), the Court of Appeals for the Federal Circuit has stated that the case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is the rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references and that one of ordinary skill in the art would have been motivated to select the references and combine them, and it was error to not elucidate any factual teachings, suggestions, or incentives from the prior that showed the propriety of combination. The Federal Circuit in *Dembiczak* further stated that combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for

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piecing together the prior art to defeat patentability which is the essence of hindsight.

35 U.S.C. §103

In the Office Action, the Examiner rejected claims 33-39 and 59-61 arguing that U.S. Patent No. 6,183,100 ("Suckow") discloses:

Regarding claims 33 and 59, Suckow et al. discloses a light support (e.g., 10) having a front side (e.g., 33), a circularly placed light emitting diode arranged about and attached to the front side, and a controller (e.g., 8A and 8B) in electric communication with the light emitting diodes, the controller constructed and arranged to activate the light emitting diodes thereby producing at least two different visually distinct warning light signals, the controller further constructed and arranged to produce the at least two different visually distinct warning light signals simultaneously (e.g., col. 7-8, lines 60-20), the light emitting diodes receiving power from a power source wherein the light support is moveable with respect to the motorized vehicle (e.g., claims 14-18).

Applicant respectfully traverses the assertion as to what the Suckow '100 reference discloses and/or teaches when reviewed in association with the Suckow '100 specification as applied to claims 33, 40, or 59 as amended herein. Suckow '100 discloses in column 7, line 60 through column 8, line 20 that a regulator circuit supplies power to an oscillator circuit and a pair of one shot oscillators connected to an "or" gate to provide a single light signal as defined by Applicant herein. Suckow '100 in columns 7 and 8, as identified above, teaches "the result is two short duration flashes of light followed by a relatively long rest period followed by the two short duration flashes and so on." (Emphasis supplied) The repetition of two short flashes followed by a longer pause is a single light signal as defined by Applicant herein.

No disclosure is provided for the provision of at least two visually distinct warning light signals, as defined by Applicant herein, being illuminated either simultaneously and/or in combination.

Applicant's analysis of the Suckow '100 reference is also consistent with the column 8, lines 50-53 which state "attention getting, strobe-like, double flash separated by about 1.2 seconds of off time and then repeating as long as the power is applied."

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All of these statements from the specification of the Suckow '100 reference are consistent, and disclose nothing more than a flasher circuit which activates one and only one light signal, as defined by Applicant herein, at any given time. The specification of the Suckow '100 reference is completely silent and fails to teach, suggest, or disclose that a simultaneous or a combination light signal may be provided as formed of at least two different visually distinct warning light signals as defined by Applicant herein.

The teaching of simultaneous illumination of at least two **different** visually distinct warning light signals is not taught by the Suckow '100 reference. The teaching of the illumination of at least two **different** visually distinct warning light signals in at least one combination and/or the provision of at least one pattern of at least two **different** visually distinct warning light signals is not taught by the Suckow '100 reference.

The Examiner also rejected claims 33-39 and 59-61 pursuant to 35 U.S.C. §103(a) arguing Suckow '100 in view of Jozwik U.S. Patent No. 5,644,291 where the Examiner stated:

Jozwik teaches a control circuit that generating emergency signals where e.g. claim 11, "modulating each of the first and second light sources to broadcast light therefrom in a periodic visual pattern that transitions between at least relatively low and high states of brightness and synchronizing the periodic visual pattern of the first and second light sources so that each transition of brightness of the light sources occurs between two sequential transitions of the light from the other light source; light source being arranged in a single row" (figure 1).

Applicant respectfully traverses the assertion as to the teachings of the Jozwik '291 reference when reviewed in association with the '291 specification and as applied to the claims as amended herein.

The Jozwik '291 reference in general attempts to solve the problem concerning the delay, or down time, required for a strobe light circuit to recharge between strobe flashes. Strobe lights generally have an undesirably long interval between flashes, when flashed at a standardized rate, due to the necessity for the strobe circuit to recharge.

The Jozwik '291 reference attempts to solve this problem by having more than one strobe circuit staggered or offset in time and synchronized with another identified strobe circuit, such that one strobe circuit is charging while another strobe circuit is flashing at the identical rate.

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identical rate. The offset or staggered flashing of the strobe circuits minimizes the down time or interval between observed strobe flashes.

The Jozwik '291 reference teaches the offset synchronization or staggering of a single pattern of strobe flashes, so that the duration between observed strobe flashes is minimized. The Jozwik '291 reference teaches that the synchronization or staggering of two identical strobe circuits accomplishes the desired result. The two strobe circuits of Jozwik '291 are identical. The two identical strobe circuits of Jozwik '291 illuminate a single strobe pattern.

The optical result of the teaching of the Jozwik '291 reference is provided in column 4, lines 18-25, which state that the "light flashes produced by such short, rapid pulses appear to an observer to be essentially continuous, thereby lengthening the apparent duration or "on" time of the strobe tube. Accordingly, as used herein the term "packet" is intended to mean one or more pulses that, when utilized to drive a suitable light source, illuminate the light source in a manner that appears to ordinary observers to be continuous".

The Jozwik '291 reference teaches the illumination and observation of one continuous strobe light signal having minimum down time between consecutive strobe flashes.

The problem to be solved by Jozwik '291 is to optimize the prior art light sources such as strobe lights (column 4, line 7), filament-type light sources and high intensity discharge devices such as xenon-metal halide lamps. (Column 5, lines 27-31)

Jozwik '291 does not suggest, teach, or disclose the use of LED's. Jozwik '291 also does not suggest, teach, or disclose the use of different patterns of light signals. Further, Jozwik '291 does not suggest, teach or disclose that Jozwik '291 may be combined with Suckow '100 nor does Suckow '100 suggest or teach combination with Jozwik '291. A person of ordinary skill in the art would not look to the teachings of pre-LED illumination source technology, namely Jozwik '291, to provide insight related to the provision of at least two different patterns of illumination signals for combination into a composite observable pattern.

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The Suckow '100 and Jozwik '291 references simply do not teach the combination of different illumination patterns into a composite illumination pattern formed from the different illumination patterns.

In regards to the Examiner's obviousness rejection of claims 33-39 and 59-61 under 35 U.S.C. §103, Applicant respectfully submits that there is no suggestion, teaching, or motivation presented in either Suckow '100 or Jozwik '291, either explicitly or implicitly, to provide for Applicant's claimed invention herein. There is no suggestion in Suckow '100 or Jozwik '291 that the illumination of different patterns of visually distinct warning light signals, in a combination ought to be tried.

A review of the Suckow '100 and Jozwik '291 references reveals that there is no suggestion or teaching provided in either the Suckow '100 and/or Jozwik '291 references for combination with each other, or any other alleged prior art, to provide Applicants invention as claimed herein.

Further, the combination of Suckow '100 with Jozwik '291 may not be made in an operative fashion to provide the invention as claimed by Applicant herein. Specifically, no suggestion, teaching, and/or motivation is indicated in either the Suckow '100 and/or Jozwik '291 references for the provision of at least two different warning signal light patterns in at least one combination for an LED light support.

Applicant respectfully asserts that the Suckow '100 and/or Jozwik '291 references do not address the problems which have been identified related to the generation of two or more different patterns of light signals in combination.

A person skilled in the art attempting to design a controller capable of illuminating at least two different patterns of visually distinct warning light signals in combination would have been required to look significantly beyond both the Suckow '100 or Jozwik '291 disclosures to accomplish the desired result.

The rejection of Applicant's claims herein as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of the claims herein pursuant to 35 U.S.C. §103.

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Applicant respectfully asserts that it is essential to consider all elements of the claimed invention. (*Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir 1991)) Also, the claimed invention must be considered as a whole. (*Jones, supra*). The fact that all the elements of the claimed invention were not previously disclosed, as a whole, in Suckow '100 and/or Jozwik '291 references precludes proper rejection pursuant to 35 U.S.C. §103.

Applicant has distinguished claims 33, 40, and 59 from Suckow '100 and/or Jozwik '291. Claims 34-39, 41-58, and 60-61 are dependent from independent claims 33, 40 and 59 respectively. It is recognized that dependent claims are non-obvious under §103 if the independent claims from which they depend are non-obvious. *Hartness Int'l, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 1108, 2 U.S.P.Q.2d 1826, 1831 (Fed. Cir. 1987); *In re Abele*, 684 F.2d 902, 910, 241 U.S.P.Q. 682, 689 (CCPA 1982); See Also, *In re Sernaker*, 702 F.2d 989, 991, 217 U.S.P.Q. 1, 3 (Fed. Cir. 1983). Withdrawal of the rejection of dependent claims 34-39, 41-58, and 60-61, is therefore respectfully requested.

The Examiner also rejected claims 33, 37-39, and 40-59, asserting 35 U.S.C. §103(a) alleging the same as being unpatentable over Kouchi '791 in view of Jozwik '291.

In the Office Action, the Examiner stated:

Regarding claims 33, 40, and 59, Kouchi discloses an elongate frame (10) having a base (15), a plurality of light emitting diode light sources (16) engaged to the frame (column 2-3, lines 65-5; "a rear cover 15 cooperates with the front cover 11 to form means for holding the inner lens element 12 in the first and second printed circuit boards 13 and 14, in a united fashion... the rear and front covers 15 and 11 cooperate with each other to form a housing in which the components 11, 12, 13, and 14, are accommodated"), the light emitting diode light sources being arranged in a multiple rows, the light emitting diode light sources receiving power from a power source, a reflector (Fig. 3) positioned adjacent the light emitting diode light sources, and a lens (12) traversing the frame proximate to the light emitting diode light sources, and a controller (19 and 20) in communication with the light emitting diode light sources (16), the controller constructed and arranged to activate the light emitting diode light sources providing at least two different light types of visually distinct warning light signals ("stop", "hazard", "help", "left", and "right", or matrix that is able to display many different patterns by CPU), the controller further constructed and arranged to produce the at least two different types of visually distinct warning light signal in at least one combination (Figures 7 and 8)... Kouch et al., discloses the claimed invention except for one of the visually distinct warning light signals comprising the repetitive illumination of one or more light emitting diodes over a period of time to form a first illumination

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pattern and second illumination pattern where the first illumination pattern and second illumination pattern are different and the light emitting diode light sources are arranged in a single row.

Jozwik teaches a control circuit that generating emergency light signals where, e.g., claim 11 "modulating each of the first and second light sources to broadcast light therefrom in a periodic visual pattern that transitions between at least relatively low and high states of brightness in synchronizing the periodic visual pattern of the first and second light sources so that each transition of brightness of the light sources occurs between two sequential transitions of the light from the other light source", light sources being arranged in a single row (e.g., Figure 1)... it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control circuit of Kouchi with distinct control circuits (as) of Jozwik to create first and second illumination pattern to be different, where the modification provides more visual distinct warning and diverse lighting pattern to create desired/more effective visual warning effect.

Applicant has identified the teachings of Jozwik '291 above. Applicant's arguments related to the teachings of Jozwik '291 are equally applicable to the asserted combination of Kouchi and Jozwik as alleged by the Examiner herein relative to claims 33, 37-39, and 40-59.

Applicant respectfully traverses the assertion as to what the Kouchi '719 reference discloses and/or teaches when reviewed in association with the '719 specification, as applied to the claims as amended herein.

The Kouchi '719 reference teaches at column 4 lines 44-51 and lines 59-62 that a single word such as "Stop", "Hazard", "Help", "Left", or "Right" may be displayed in the LED Matrix. The '719 specification teaches that the letters of the word may be illuminated. The specification of the '719 reference also teaches, in a different embodiment, that the background of the LED matrix may be illuminated, where the letters of the word are extinguished.

Applicant respectfully asserts that this disclosure teaches nothing more than a single light signal at any given time, namely a word as displayed on an LED matrix. This is the teaching which is depicted in Figures 7 and 8 of Kouchi '719. Figures 7 and 8 are alternatives and are not taught, suggested or disclosed to be illuminated in any combination with any other pattern or combination of light signals.

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Figures 7 and 8 of Kouchi '719 do not teach multiple light signals or patterns of light signals in a composite combination or pattern. Figures 7 and 8 teach different ways in which a single light signal, namely a word, may be displayed on the LED matrix at a given time. Figures 7 and 8 do not teach that words or terms represented by figures 7 and 8 may be arranged into at least one composite combination of illumination signals or patterns of illumination signals.

In addition, the specification for the Kouchi '719 reference states:

Column 3, lines 66-68 "The pattern generator 26 is adapted to output a display pattern signal in response to a command signal";

Column 4, lines 1-2 "A signal from the CPU 25 is outputted through an output port 27"; and

Column 4, lines 8-14 "the CPU 25 reads out a display pattern signal in accordance with the inputted signal, from the pattern generator 26, and outputs the display pattern signal to the drive circuit 19.

All of the above-identified statements from the specification of the '719 Kouchi reference are consistent, and disclose nothing more than the activation of one and only one light signal at any given time. The Kouchi '719 reference is silent and does not disclose that independent patterns of light signals may be combined into a composite pattern where first and second patterns are illuminated in at least one combination. The specification of the Kouchi '719 reference is completely silent and fails to teach, suggest, or disclose that a combination light signal may be provided as formed of at least two different patterns of visually distinct warning light signals.

Applicant respectfully submits that there is no suggestion, teaching, or motivation presented in Kouchi '719 either explicitly or implicitly, to provide for Applicant's claimed invention herein. There is no suggestion in Kouchi '719 that the illumination of different visually distinct warning light signals in a combination, pattern, or sequence of different visually distinct warning light signals out to be tried.

Applicant respectfully asserts herein, that Applicant's invention is not obvious to a

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person of ordinary skill in the art Kouchi '719 in view of Jozwik '291. Specifically, a person skilled in the art upon review of the Kouchi '719 and/or Jozwik '291 patents would not have been able to use the disclosure to conceive, design, and create a controller which would generate at least two different visually distinct warning light signals in combination. To provide a controller capable of regulating a composite lighting effect where two or more different visually distinct warning light signals were generated in combination, a person skilled in the art would have scratched the Kouchi '719 and/or Jozwik '291 disclosures and would have initiated a complete electrical redesign. A substantial modification and complete electrical redesign of the Kouchi '719 and Jozwik '291 electrical components would be required to provide for Applicant's invention herein.

No suggestion, motivation, or teaching is provided with the Kouchi '719 and/or Jozwik '291 references individually or in combination for incorporation of LED's into a device controlled by at least one controller to generate at least two different visually distinct warning light signals in at least one combination. No suggestion, motivation, or teaching is provided in either the Kouchi '719 and/or Jozwik '291 references for combination with any other reference to provide the illumination of at least two different visually distinct warning light signals in at least one combination.

Neither the Kouchi '719 nor Jozwik '291 references address the problems which have been identified related to the generation of two or more different light signals in combination.

Applicant respectfully asserts that it is essential to consider all elements of the claimed invention. (*Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir 1991)) Also, the claimed invention must be considered as a whole. (*Jones, supra*). The fact that all the elements of the claimed invention were not previously disclosed, as a whole, in the Kouchi '719 and/or Jozwik '291 references precludes proper rejection pursuant to 35 U.S.C. §103.

Applicant respectfully further submits that neither Suckow '100, Jozwik '291, and/or Kouchi '719 suggest, teach, or provide any motivation for using a warning signal light constructed and arranged to...produc[e] at least two different visually distinct warning signals in combination, on either utility or emergency vehicles. Without such a suggestion, teaching, or

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motivation, Applicant again respectfully asserts that obviousness cannot be established to allegedly produce the claimed invention (*In re Fine, supra*).

In regards to the Examiner's obviousness rejection of claims 33, 37-39, and 40-59 under 35 U.S.C. §103, Applicant respectfully submits that there is no suggestion, teaching, or motivation presented in either Kouchi '719 or Jozwik '291 either explicitly or implicitly, for combining the two references. (*In re Clinton*, 527 F.2d 1226, 188 U.S.P.Q. 265 (CCPA 1976)).

Applicant respectfully requests that the Examiner reconsider and withdraw the obviousness rejection of claims 33, 37-39, and 40-49, pursuant to 35 U.S.C. §103 in view of the combination of Kouchi '719 and Jozwik '291.

Any alleged combination of Kouchi '719 with Jozwik '291 would improperly require a substantial reconstruction and redesign of the elements shown in Kouchi '719 and Jozwik '291 references as well as a change in the basic principle under which the Kouchi '719 and Jozwik '291 constructions were designed to operate. (*In re Ratti*, 270 F.2d at 813, 123 U.S.P.Q. at 352.) Applicant respectfully asserts that the obviousness rejection based on a combination of Kouchi '719 with Jozwik '291 is improper because a substantial reconstruction and redesign of the Kouchi '719 and/or Jozwik '291 references would be required.

It is not a matter of design choice and it is not obvious to create, incorporate and utilize at least one controller into a warning signal light for the provision of either at least two different visually distinct warning light signals simultaneously or for the provision of at least two different visually distinct warning light signals in at least one combination. The technology required to accomplish and solve the problems identified herein were not identified or disclosed in the Suckow '100, Kouchi '719, and/or Jozwik '291 references.

In regards to claim 41, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in any combination. For the reasons indicated above, rejection of claim 41 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 41 pursuant to 35 U.S.C. §103.

In regards to claim 42, the Applicant respectfully submits that no suggestion,

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disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals, either simultaneously and/or in combination, or wherein the at least two different types of visually distinct warning light signals are generated simultaneously in an any combination. For the reasons indicated above, rejection of claim 42 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 42 pursuant to 35 U.S.C. §103.

In regards to claim 43, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719 and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals, in combination, or wherein the at least two different types of visually distinct warning light signals are generated alternatively in an any combination. For the reasons indicated above, rejection of claim 43 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 43 pursuant to 35 U.S.C. §103.

In regards to claim 44, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in any combination, or wherein the at least two different types of visually distinct warning light signals are generated in an any combination of two or more visually distinct warning light signals. For the reasons indicated above, rejection of claim 44 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 44 pursuant to 35 U.S.C. §103.

In regards to claim 45, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals simultaneously in any combination, or wherein the at least two different

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types of visually distinct warning light signals are generated simultaneously in an any combination of two or more visually distinct warning light signals. For the reasons indicated above, rejection of claim 45 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 45 pursuant to 35 U.S.C. §103.

In regards to claim 46, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals alternatively in any combination, or wherein the at least two different types of visually distinct warning light signals are generated alternatively in an any combination of two or more visually distinct warning light signals. For the reasons indicated above, rejection of claim 46 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 46 pursuant to 35 U.S.C. §103.

In regards to claim 47, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least three different visually distinct warning light signals in any combination, or wherein the at least three different types of visually distinct warning light signals are generated in an any combination of three or more visually distinct warning light signals. For the reasons indicated above, rejection of claim 47 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 47 pursuant to 35 U.S.C. §103.

In regards to claim 48, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least three different visually distinct warning light signals simultaneously in any combination, or wherein the at least three different types of visually distinct warning light signals are generated simultaneously in an any combination of three or more visually distinct warning light signals. For the reasons indicated above, rejection

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above, rejection of claim 48 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 48 pursuant to 35 U.S.C. §103.

In regards to claim 49, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in either the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least three different visually distinct warning light signals alternatively in any combination, or wherein the at least three different types of visually distinct warning light signals are generated alternatively in an any combination of three or more visually distinct warning light signals. For the reasons indicated above, rejection of claim 49 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 49 pursuant to 35 U.S.C. §103.

In regards to claim 50, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in a regular pattern. For the above-identified reasons, rejection of claim 50 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 50 pursuant to 35 U.S.C. §103.

In regards to claim 51, the Applicant respectfully submits that no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in an intermittent pattern. For the reasons indicated above, rejection of claim 51 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 51 pursuant to 35 U.S.C. §103.

In regards to claim 52, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291

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references for at least one controller capable of illuminating at least two different visually distinct warning light signals in an irregular pattern. For the above-identified reasons, rejection of claim 52 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 52 pursuant to 35 U.S.C. §103.

In regards to claim 53, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in an regular sequence. For the above-identified reasons, the rejection of claim 53 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 53 pursuant to 35 U.S.C. §103.

In regards to claim 54, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in an intermittent sequence. For the above-identified reasons, rejection of claim 54 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 54 pursuant to 35 U.S.C. §103.

In regards to claim 55, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals in an irregular sequence. For the above-identified reasons, rejection of claim 55 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 55 pursuant to 35 U.S.C. §103.

In regards to claim 56, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals where the at least two different types of visually distinct warning light

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signals are generated at regular intervals. For the above-identified reasons, the rejection of claim 56 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 56 pursuant to 35 U.S.C. §103.

In regards to claim 57, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals where the at least two different types of visually distinct warning light signals are generated at intermittent intervals. For the above-identified reasons, the rejection of claim 57 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 57 pursuant to 35 U.S.C. §103.

In regards to claim 58, the Applicant respectfully submits that, no suggestion, disclosure, or motivation is provided in the Suckow '100, Kouchi '719, and/or Jozwik '291 references for at least one controller capable of illuminating at least two different visually distinct warning light signals where the at least two different types of visually distinct warning light signals are generated at irregular intervals. For the above-identified reasons, the rejection of claim 58 as being obvious in view of 35 U.S.C. §103 impermissibly uses the hindsight teaching of Applicant's invention against Applicant's claims. Applicant respectfully submits that the Examiner reconsider and withdraw the rejection of claim 58 pursuant to 35 U.S.C. §103.

In order to create an operational controller of Applicant's invention, problems such as the individual control over multiple segments of LED's; multiple connections of segments of LED's to a controller; operation of at least one controller to independently illuminate individual and/or groups of LED's, where other LED's or groups of LED's are controlled to receive different light signals; the interaction of LED's or groups of LED's as regulated by the at least one controller to provide a desired combination or pattern of composite light signal; and heat issues were required to be considered. None of these problems were present, considered, addressed or taught, in the devices as disclosed in the Suckow '100, Kouchi '719, and/or Jozwik '291 references. The solutions to these problems are not trivial and require a complete electrical redesign of a Suckow '100, Kouchi '719, and/or Jozwik '291 device, are not obvious, and do not constitute a choice in

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constitute a choice in design, especially when a completely different problem is to be solved.

For the above stated reasons, Applicant respectfully requests that the Examiner withdraw the rejection of claims 33-61 herein. Applicant asserts that claims 33-61 are in condition for allowance and early action to that effect is earnestly solicited.

Formalities

Should the Examiner have any questions concerning this Amendment, then the Examiner is cordially invited to contact the undersigned by telephone, facsimile, and/or E-Mail at the below identified address. If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. Applicant has enclosed herewith a Petition for a two month extension of time with the appropriate fee of \$450.00. In the event that the response herein requires the payment of additional government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

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Conclusion

It is believed that claims 33-61 in the present application are in condition for allowance in view of the foregoing. Applicant respectfully requests reconsideration of the claims herein and that the rejections be withdrawn and the claims allowed. Applicant respectfully requests the Examiner to reconsider the claims as amended herein which Applicant believes puts the application in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 5-8-, 2006

By:



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